



Town of Tyngsborough
Planning Board
25 Bryants Lane,
Tyngsborough, Massachusetts 01879-1003
Office: (978) 649-2300 ext. 115

MINUTES
August 2, 2012
APPROVED

Attachments:

1. Meeting Agenda
2. David E. Ross Associates Report for 166 & 168 Middlesex Rd. – 6/19/12
3. Site Improvement Plan for 166 & 168 Middlesex Rd. – 6/12/12
4. Planning Board letter to Town Counsel regarding modification of the existing Special Permit for Tyngsborough Commons – 6/29/12
5. Town Administrator letter regarding remote participation in meetings – 7/31/12
6. Town Administrator letter regarding the Housing Production Plan – 8/1/12

Members Present: Steve Nocco
William Gramer
Tom Delmore
Steve O'Neill
Caryn DeCarteret
Jesse Johnson, David E. Ross Associates

7:00pm - Meeting called to order by Chairman Tom Delmore

7:02pm **166 & 168 Middlesex Road (M21, Parcels 21 & 42, L0) – Special Permit and Site Plan Special Permit for the razing of an existing building and the construction of a ~9,870 s.f. building with associated parking and utilities. Continued from July 19, 2012.**

Applicant engineer Doug Lees and Atty. Peter Nicosia appeared before the Board to continue the discussion on the above application. Mr. Lees reported that a traffic study was done and showed that there would not be any problems with the traffic flow and the project's design. They have applied with MassDOT for permission to make alterations to the curbing on Middlesex Rd. Board engineer Jesse Johnson reported that the applicant has addressed all of the Board's concerns and the plans look good. There were no abutters present to comment on this hearing.

WG: Motion to close the public portion of the hearing.

S. Nocco: 2nd the motion

In Favor: 5 Opposed: 0

Passes: 5-0

W. Gramer: Motion to approve a Special Permit and Site Plan Special Permit for 166 & 168 Middlesex Rd. to construct a Major Business Complex known as Riverview Plaza. In accordance with Section 1.16.14 of the Zoning By-Law, the Planning Board finds that this proposed use:

1. Is in harmony with the purpose and intent of this By-Law.
2. Will not be detrimental or injurious to the neighborhood in which it is to take place.
3. Is appropriate for the site in question.
4. Complies with all applicable requirements of this By-Law.
5. The Board's Decision is conditioned on the following:
 - a. An as-built plan must be submitted and approved by the Planning Board's engineer.
 - b. The rear property lot line must be staked out prior to construction.

S. Nocco: 2nd the motion
In Favor: 5 Opposed: 0
Passes: 5-0

7:20pm DISCUSSION

Town Counsel Opinion Regarding Tyngsborough Commons Special Permit Modification

W. Gramer reported to the Board that Town Counsel had issued his opinion in response to the Board's request dated 7/31/12. The Board will need to vote at a public hearing if the proposed change to the existing permit is material or not, and if it's not, what action should the Board take. The public hearing is scheduled for August 16, 2012 at which time the Board can vote on these issues.

ENGINEER REPORTS - None

ADMINISTRATIVE

W. Gramer: Motion to approve the minutes of July 19, 2012
S. Nocco: 2nd the motion
In Favor: 5 Opposed: 0
Passes: 5-0

NEW BUSINESS

Remote Participation in Meetings

The Board of Selectmen is considering adopting MGL Chapter 30A, Section 20d which would allow remote participation of members of boards, commission, and committees governed by the Open Meeting Law. The Board requested comments from the various Boards regarding this proposal. S. Nocco said that he felt it would be a good idea from the Planning Board's perspective due to situations where a full Board is required for a vote and we end up short and have to postpone the hearing. The Board agreed with his comments and will report them to the Town Administrator.

Housing Production Plan Draft

The Board of Selectmen requested that the Planning Board issue their comments regarding this document which was produced and presented by NMCOG. Since the comments are due August 10, 2012 and the Board's next meeting isn't until August 16, 2012, they felt uncomfortable issuing comments on the document without have a chance to discuss it as a Board. T. Delmore suggested that perhaps NMCOG could come to a Planning Board meeting and present the plan, that way the Board could have an open and productive discussion about it. S. O'Neill said that he would talk to Beverly Woods of NMCOG about this suggestion.

Master Plan

Selectman Corey Lambert spoke to the Board about moving forward with some of the action item projects specified in Tyngsborough's Master Plan and felt that it is the responsibility of the Planning Board to lead the discussion. T. Delmore said that the Board recognizes that there are several issues that need to be addressed and perhaps the Board could come up with a list of projects that they can start work on. He went on to say that there are sections of the Zoning By-Laws that are in need of updating and the Board could start the process of selecting certain sections by discussing it at the next meeting on August 16, 2012.

8:00pm

S. O'Neill: Motion to adjourn

W. Gramer: 2nd the motion

In Favor: 5 Opposed: 0

Passes: 5-0

Minutes respectfully submitted by
Pamela Berman, Planning Board Administrative Assistant